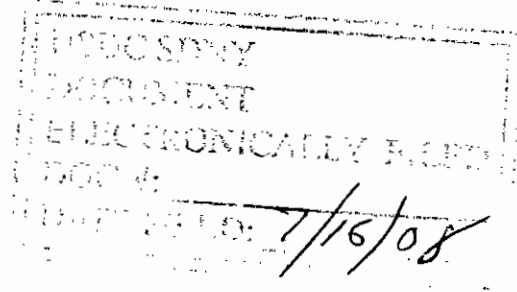


Buchwald, J

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
SIGNATURE BANK,

Plaintiff,

: 08 Civ. 3893 (NRB)(MHD)

- against -

AHAVA FOOD CORP. d/b/a NORTH COUNTRY
CHEESE CORP., LEWIS COUNTY DAIRY CORP.,
ST. LAWRENCE FOOD CORP. d/b/a PRIMO
FOODS, YONI REALTY, LLC, SCHWARTZ AND
SONS QUALITY DISTRIBUTORS, INC., MOISE
BANAYAN, ANA BANAYAN a/k/a CHANA
BANAYAN, REBECCA BANAYAN a/k/a
REBECCA BARIMYAN a/k/a REBECCA
BANAYAN-LIEBERMAN, FARIBORZ BANAYAN
a/k/a AARON BANAYAN, RUBEN BEITYAKOV,
ARI KATZ, AHAVA OF CALIFORNIA, LLC d/b/a
AHAVA NATIONAL FOOD DISTRIBUTOR and
NORTH COUNTRY MANUFACTURING, and
JOHN DOES 1 through 50,

ORDER TO SHOW CAUSE

Defendants.
----- X

Upon the Declaration of Robert Bloch, executed July 11, 2008, and the exhibits annexed thereto, the Declaration of John Oleske, executed July 11, 2008, and the accompanying memorandum of law, all submitted on behalf of plaintiff Signature Bank, defendant Ahava of

California, LLC d/b/a Ahava National Food Distributor and North Country Manufacturing ("AOC") is hereby:

ORDERED to show cause before this Court at the United States District Courthouse, 500 Pearl Street, New York, New York 10007, in Courtroom ^{17D}~~21A~~ on July ²⁴~~21~~, 2008 at 10 o'clock in the fore noon, or as soon thereafter as the parties can be heard, why an order should not be entered pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure:

1) Ordering the Sheriff of Lewis County to seize all personalty identified in Exhibit A to the Declaration of Robert Bloch dated July 11, 2008, submitted herewith, to the extent such personalty are located within the premises at 30 Main Street, Lowville, New York, and, if the personalty are not delivered to the Sheriff by those in possession thereof, ordering the Sherriff to break open, enter, and search for and secure in place the chattel at said premises;

2) Ordering the Sheriff of St. Lawrence County to seize all personalty identified in Exhibit A to the Declaration of Robert Bloch dated July 11, 2008, submitted herewith, which personalty are located within the premises at Route 812 (no street number) (commonly known as St. Lawrence Food Corp.), Ogdensburg, New York, and, if the personalty are not delivered to the Sheriff by those in possession thereof, ordering the Sherriff to break open and enter the premises, and to search for and secure in place the chattel at said premises;

3) Ordering the Sheriff of Kings County to seize all personalty identified in Exhibit A to the Declaration of Rohert Bloch dated July 11, 2008, submitted herewith, which personalty are located within the premises at 110 Beard Street, Brooklyn, New York, and, if the personalty are not delivered to the Sheriff by those in possession thereof, ordering the Sherriff to

break open and enter the premises, and to search for and secure in place the chattel at said premises;

4) Directing AOC to immediately vacate the premises described above, and to surrender all keys to said premises to the Sheriffs of their respective counties;

5) Enjoining and restraining defendants from resisting or interfering with the seizures described above;

6) Ordering the Sheriffs of Lewis County, St. Lawrence County, and Kings County, upon seizure of the personalty, to immediately deliver the personalty to Signature without physically relocating said personalty, by delivering the keys to the above-described premises to Signature immediately after their delivery to the Sheriffs by AOC, or by immediately securing access to said premises for Signature by breaking open said premises and permitting Signature to enter and occupy those premises;

5) Directing Signature to post an undertaking in the amount of \$3,000,000.00; and

7) Awarding such other and further relief as the Court deems just and proper; and it is further

~~ORDERED, that until further order of this Court, AOC is enjoined and restrained from removing from their present location any personalty located at the premises identified in paragraphs 1), 2), and 3), above, and from transferring, selling, pledging, assigning, injuring, or otherwise disposing of or permitting to become subject to a security interest or lien, any of said personalty; and it is further~~

~~ORDERED THAT SECURITY IN THE~~
~~Amount of \$_____ Be POSTED BY _____ 2008,~~
 ORDERED that service of a copy of this Order to Show Cause, together with a

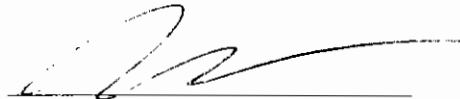
copy of the papers upon which this Order is based, by overnight mail upon counsel for AOC,

Movant has failed
 to show good reason
 for an ex parte
 TRO.

Robert W. Hirsh & Associates, 8383 Wilshire Blvd, Suite 510, Beverly Hills, California 90211, counsel for the Judgment Debtors, David Antonucci, Esq., 12 Public Square, Watertown, New York 13601, Rebecca Banayan at 2606 East 24th Street, Brooklyn, New York 11235, 205 Third Avenue, Apt. 2N, New York, New York 10003 and 215 East 96th Street, Apt. 40H, New York, New York 10128, Fariborz Banayan at 908 Rose Avenue, Venice, California 90291 and 110 Beard Street, Brooklyn, New York 11231, Ruben Beityakov at 1977 East 22nd Street, Brooklyn, New York 11229, Ari Katz at 110 Beard Street, Brooklyn, New York 11231, on or before July ~~18~~ 2008, be deemed good and sufficient service.

ORDERED, that answering papers, if any, shall be served by AOC by overnight mail upon counsel for plaintiff Signature Bank, Mara B. Levin, Esq., Herrick, Feinstein LLP, 2 ✓ Park Avenue, New York, New York 10016, on or before July 21, 2008.

TD: NYC, NY
July 14, 2008


 U.S. ~~14~~ J.

